

PATENT
Serial No. 09/918,162
Amendment in Reply to Office Action mailed on May 17, 2006

REMARKS

This Amendment is being filed in response to the Office Action dated May 17, 2006. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

In the Office Action, claims 3 and 10 are objected to for certain informalities. Without agreeing with the Examiner and to advance prosecution and expedite allowance, claims 3 and 10 have been amended to remove the informalities noted by the Examiner. Accordingly, withdrawal of the objection to claims 3 and 10 is respectfully requested.

In the Office Action, the Examiner suggested adding headings to the specification. Applicants gratefully acknowledge the Examiner's suggestion, however respectfully decline to add the headings as they are not required in accordance with MPEP §608.01(a). It is respectfully submitted that "should" (as recited in MPEP §608.01(a) and referred to on page 11, item 10 of the Office Action) is suggestive or permissive, and not mandatory as in "must" or "shall". For example, 37 CFR 1.77(b) recites:

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The specification should include the following sections in order: (Emphasis added)

Similarly, 37 CFR 1.77(c) recites:

The text of the specification sections defined in paragraphs (b)(1) through (b)(12) of this section, if applicable, should be preceded by a section heading in uppercase and without underlining or bold type. (Emphasis added)

By contrast, 37 CFR 1.77(b)(5) recites:

(5) Reference to a "Sequence Listing," a table, or a computer program listing appendix submitted on a compact disc and an incorporation-by-reference of the material on the compact disc (see § 1.52(e)(5)). The total number of compact discs including duplicates and the files on each compact disc shall be specified. (Emphasis added)

Thus, it is respectfully submitted that a distinction is made between "should" and "shall", where "should" is permissive, and "shall" is mandatory. Accordingly, it is respectfully submitted that headings are not required in accordance with MPEP §608.01(a).

In the Office Action, claims 1-5, 8-10 and 12-13 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,432,558 (Kim). Further, claim 6 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kim in view of U.S. Patent Application Publication No. 2004/0175121 (Ellis). In addition,

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claims 7, 11 and 14 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kim in view of U.S. Patent No. 6,311,011 (Kuroda). It is respectfully submitted that claims 1-14 are patentable over Kim, Ellis and Kuroda for at least the following reasons.

Kim is directed to a method for reserving a recording of a TV program by selecting a reservation key. The TV receives a video signal containing channel and time information and displays the information on the screen as discussed in Kim on column 4, lines 41-45. A reservation of the recording is completed by pressing a reservation key on the remote control unit reserving the program as discussed in Kim on column 4, lines 54-57.

Pressing the reservation key determines start and end times for recording in Kim. As recited on column 4, lines 54-57,

the reservation key ... may be activated by touching the key one time. Thus, the reservation for recording of the program is automatically implemented.

Thus, the method in Kim for determining start and end times for a recording of a program is completed by touching a reservation key, and not by proposing to the user an end time when the user

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defines the start time and channel.

Similarly, FIG 13 of Kim does not show or suggest proposing to the user an end time when the user defines the start time and channel. Rather, FIG 13 of Kim shows a system for recording a program that merely checks the current time against the time of recording start and stop times to determine when to start or stop recording. FIG 13 of Kim shows a method of checking a current time against programmed start and end times, and does not propose an end time to the user when the user defines the start time and channel.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claims 8 and 12 which, amongst other patentable elements, requires:

recording control means which, when a user of the recording arrangement has defined the recording start time and the receiving channel for a recording, are adapted to propose to the user the recording end time determined by the detection means for the recording of the television program that can be received in the receiving channel.
(Emphasis added)

Proposing an end time to the user when the user defines the start time and channel is nowhere taught or suggested in Kim.

Rather, Kim discloses automatically determining start and end times

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for recording a program by pressing a button on the remote controller when a program display is displayed on the screen, without any proposals to the user. Ellis and Kuroda are cited for allegedly showing other features and do not remedy the deficiencies in Kim.

Accordingly, it is respectfully requested that independent claims 1, 8 and 12 be allowed. In addition, it is respectfully submitted that claims 2-7, 9-11 and 13-14 should also be allowed based at least on their dependence from independent claims 1, 8 and 12.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded. And in particular, no official notices are conceded.

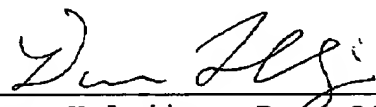
It is believed that no additional fees or charges are

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currently due. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicants' representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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